

MINUTES OF THE MEETING OF THE BAR-BENCH-MEDIA CONFERENCE

A meeting of the bar-bench-media Conference (hereinafter "Conference") was held on Monday, April 21, 2008, at 12:30 p.m. in the Supreme Court Conference Room of the State Office Building. The quorum requirement was met, and the Conference members in attendance included:

Members of the Electronic News Media:

Peg Brickley, Dow Jones Newswires
Chris Carl, WDEL

Members of the Print News Media

Randall Chase, Associated Press
Rita Farrell, Freelance

Members from the Bench

Justice Carolyn Berger, Supreme Court
Judge Peggy Ableman, Superior Court
Judge Joseph F. Flickinger III, Court of Common Pleas

Members from the Bar

Francis G. X. Pileggi, Esquire, Fox Rothschild
Chuck Durante, Esquire, Connolly Bove

Chief Magistrate Alan Davis, Justice of the Peace Court, and John Dearing, WBOC, participated by phone.

Guests: Steven Church and Phil Milford, Bloomberg News

The first agenda item was the approval of the draft minutes from the January 14, 2008 Conference meeting. Upon motion, which was duly seconded, the minutes were unanimously approved as submitted.

The second agenda item was a proposed amendment to the Constitution of the Bar-Bench-Media Conference of Delaware submitted for review at the January 14, 2008 meeting. Upon motion, which was duly seconded, the proposed amendment to the Conference Constitution was unanimously approved. The amendment inserts the words "***via video-conferencing or via-teleconference***" so that section 5 (c) on Meetings now reads:

*(c) A quorum for the transaction of business at any meeting shall consist of six members of the Conference present in person, ***via video-conference or via tele-conference***, at least three of whom shall be members from the bar or bench and at least three of whom shall be members from the media. Each member of the conference shall have one vote.*

Chris Carl next read a letter he drafted for Chief Justice Myron Steele asking that a Chancellor or Vice Chancellor be appointed to the Conference should a vacancy occur by a resignation or an expired term. Upon motion, which was duly seconded, there was

discussion. The letter read in part: "...we believe it is vital to have a representative from Chancery, particularly in light of the fact that Chancery is the only court where media have been able to take advantage of expanded electronic media access." Justice Berger questioned the need for formal appointments when the Conference did not make policy but was simply a forum for discussion. Chris Carl said the Conference Constitution required formal appointments and that he would go with what he had been handed as Conference Chair. The six judiciary positions on the Conference are currently filled, so pending a vacancy, Randall Chase moved to amend the letter to read instead: "We respectfully ask that the Chancellor, or a Vice Chancellor designated by the (Chancellor), attend each meeting either in person or by telephone on a non-voting basis so that we may receive input." Being duly seconded, the amendment was approved and the amended letter was approved for submission to Justice Steele.

The next topic was the long delayed report to the Chief Justice on the result of Expanded Media coverage of Courtroom Proceedings, an experiment carried out during the 2004 Disney trial. The delay was due in part to difficulty in convening a quorum at some Conference meetings in the previous year and the failure of one contributor to submit a section of the report. Supreme Court Administrator Steve Taylor offered to complete and edit the report by adding the missing section to those already written by John Dearing and Rita Farrell, who covered the trial. Chris Carl will circulate a draft copy by e-mail among Conference members for comment and make any necessary changes. The completed report will be submitted to the Supreme Court as ordered.

The next agenda item was Administrative Order 162. Chief Magistrate Alan David said that according to the Order, each court was to draft the FOIA rules under which it would operate. He offered to collect the FOIA directives of each court and provide copies at the next meeting.

The next discussion was about problems related to electronic filing. They include the high fees charged by third party vendors like Lexis-Nexis; printing and copying fees charged by some courts, like Chancery Court's fee of \$1.50 a page; too few public terminals; and a block that prevents the printing of documents from the press room terminal. Justice Berger recommended contacting the staff people in the various courts who are familiar with the COTS (Courts Organized To Serve) online program which is still in development. It was agreed to invite Carole Kirschner to the July meeting for an update on the status of the COTS system.

Finally under New Business, Chuck Durante announced that the Delaware Supreme Court is now posting decisions on its website within 24 hours after the decision has been handed down.

A motion to adjourn was duly seconded and approved. The next meeting of the Conference will take place on July 14, 2008, in the 11th Floor Supreme Court Conference Room in the State office Building. Lunch will be available at noon and the meeting will begin promptly at 12:30.

Respectfully submitted,
Rita Farrell